

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

)	
Arlene Cannon, and on behalf of)	
her minor daughter,)	
Kara Cannon)	CIVIL ACTION
v.)	NO: 02-CV2657
)	
National Railroad Passenger Corporation)	The Honorable James McGirr Kelly
(a/k/a Amtrak))	
)	
)	

DECLARATION OF ELIZA F. KELLY

I, Eliza F. Kelly, hereby make the following Declaration pursuant to the provisions of 28 U.S.C. Section 1746:

1. My name is Eliza F. Kelly. I am currently employed as Legal Assistant, Litigation by the National Railroad Passenger Corporation (“Amtrak”), Defendant in the above-captioned action. This Declaration is given in support of Amtrak’s Motion for Judgment on the Pleadings or Alternatively, for Summary Judgment. The statements contained in this Declaration are based upon my personal knowledge and information obtained by me in the performance of my duties on behalf of Amtrak and upon my review of documents kept in the ordinary course of business by Amtrak.

2. A true and correct copy of the ticket coupons Amtrak issued to Plaintiffs Arlene and

Kara Cannon and for Kenneth Cannon for Amtrak travel between Newport News, Virginia and Westwood, Massachusetts, is attached hereto as Exhibit "A".

3. A true and correct copy of the schedule for Train No. 66 on June 10, 2001, showing both scheduled and actual arrival and departure times for all stops beginning with Newport News, Virginia and ending with Boston, Massachusetts, is attached hereto as Exhibit "B".

4. A true and correct copy of the Amfleet design drawings for the railcars that comprised Train No. 66 on June 10, 2001 is attached hereto as Exhibit "C".

5. A true and correct copy of pages from Amtrak's website, www.amtrak.com, describing services available to disabled passengers is attached hereto as Exhibit "D".

6. A true and correct copy of the page entitled "Special Dietary Requirements" from Amtrak's website, www.amtrak.com, is attached hereto as Exhibit "E".

7. Exhibit "F" has been intentionally omitted from this declaration.

8. A true and correct copy of the relevant portions of the currently effective Food Code issued by the Federal Food and Drug Administration ("FDA") is attached hereto as Exhibit "G".

9. A true and correct copy of the Amfleet design drawings for the railcars that comprised Train No. 99 upon which Plaintiffs traveled on June 23, 2001 is attached hereto as Exhibit "H".

10. Amtrak does not carry any passenger blankets on its East coast regional trains.

11. A true and correct copy of the "Contact Amtrak" form available for use on Amtrak's website, www.amtrak.com, is attached hereto as Exhibit "I".

12. A true and correct copy of the letter sent to Plaintiff Arlene Cannon from Amtrak's then-President and Chief Executive Officer George D. Warrington, dated June 25, 2001, and enclosing a Service Guarantee Certificate equal to the full value of Plaintiff's round trip fare, is

attached hereto as Exhibit “J”.

13. A true and correct copy of the computerized notes concerning Plaintiffs’ train travel on June 10 and June 23, 2001 from “Tivoli”, Amtrak’s Customer Relations Department data base, is attached hereto as Exhibit “K”.

14. A true and correct copy of Amtrak’s “Access Amtrak” passenger guide for passengers with disabilities is attached hereto as Exhibit “L”.

15. A true and correct copy of Amtrak’s publication “How May I Assist You?”, a guide for Amtrak employees on assisting disabled passengers, is attached hereto as Exhibit “M”.

16. A true and correct copy of relevant excerpts from Amtrak’s National Timetable concerning “Food & Beverage, Medication,” is attached hereto as Exhibit “N”.

I declare under the penalties of perjury that the foregoing Declaration is true and correct to the best of my knowledge and belief

Executed on April ____, 2003.

Eliza F. Kelly